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KENNETH J. MURPHY, Clerk
DAYTON, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICROSOFT CORPORATION,

Plaintiff,

v.

RETECH COMPUTER EQUIPMENT, INC., et
al.

Defendants.

Case No. C-1-01-491

STIPULATED INJUNCTION

Plaintiff Microsoft Corporation ("Microsoft") and Defendants Retech Computer Equipment, Inc., an Ohio corporation, and Michael Sutter, an individual (collectively "Defendants") (Microsoft and Defendants are collectively referred to as the "Parties") hereby stipulate that Defendants along with their principals, partners, agents, servants, employees, representatives, successors and assigns, and all those persons or entities acting in concert or participation with them, shall be and hereby are **ENJOINED** and restrained from:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, end user license agreements ("EULA") or items protected by Microsoft's registered trademarks and service mark, including, but not limited to, the following Trademark Registration Nos.:

(1) 1,200,236 ("MICROSOFT");

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- (2) 1,256,083 ("MICROSOFT");
- (3) 1,816,354 (WINDOWS FLAG LOGO);
- (4) 1,815,350 (COLORED WINDOWS LOGO);
- (5) 1,475,795 ("POWERPOINT");
- (6) 1,741,086 ("MICROSOFT ACCESS");
- (7) 1,592,783 ("BOOKSHELF");
- (8) 2,188,125 ("OUTLOOK"); and
- (9) 1,982,562 (PUZZLE PIECE LOGO);

or the software programs, components, EULA, items or things protected by the following
Certificate of Copyright Registration Nos.:

- (1) TX 4-395-984 ("Office Pro 97");
- (2) TX 4-395-639 ("Access 97");
- (3) TX 4-395-640 ("Excel 97");
- (4) TX 4-395-686 ("Outlook 97");
- (5) TX 4-395-685 ("PowerPoint 97");
- (6) TX 4-395-687 ("Word 97");
- (7) TX 4-905-936 ("Office 2000");
- (8) TX 4-905-950 ("Access 2000");
- (9) TX 4-905-949 ("Excel 2000");
- (10) TX 4-905-019 ("Outlook 2000");
- (11) TX 4-905-952 ("PowerPoint 2000");
- (12) TX 4-905-937 ("Publisher 2000"); and
- (13) TX 4-905-951 ("Word 2000");

and any other works now or hereafter protected by any of Microsoft's trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software program, component, EULA, item or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed paragraph 3(a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in paragraph 3(a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, EULA, item or thing not authorized or licensed by Microsoft;

(d) unlawfully using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, EULA, item, or thing that has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

(e) unlawfully using the names, logos, or other variations thereof any of Microsoft's copyright and/or trademark-protected software programs in any of Defendants' trade or corporate names;

(f) engaging in any other activity constituting an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to

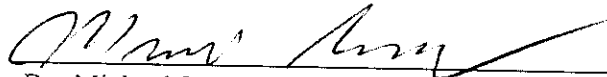
use or to exploit these trademarks, service mark, and/or copyrights, or constituting any dilution of Microsoft's name, reputation, or goodwill; and

(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs 3(a) through 3(f) above.

IT IS SO STIPULATED.

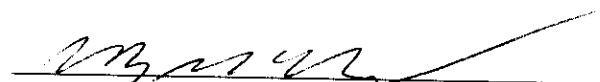
DATED: Sept 10, 2003

RETECH COMPUTER EQUIPMENT, INC., a corporation


By: Michael Sutter

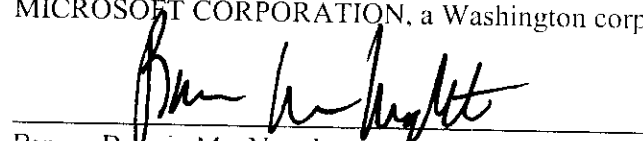
DATED: Sept 10, 2003

MICHAEL SUTTER, an individual


By: Michael Sutter

DATED: 10/9, 2003

MICROSOFT CORPORATION, a Washington corporation


By: Bonnie MacNaughton

Reviewed by:

DATED: 9/19, 2003

Joel T. Beres, Esq.
STITES & HARBISON, PLLC

By: 

Joel T. Beres, Esq.
Attorney for Plaintiff
MICROSOFT CORPORATION

DATED: 9/16, 2003

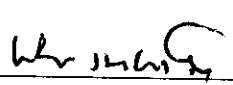
James K. Borcia, Esq.
TRESSLER, SODERSTROM, MALONEY & PRIESS

By: 

James K. Borcia, Esq.
Attorney for Defendants
RETECH COMPUTER EQUIPMENT, INC. and
MICHAEL SUTTER

IT IS SO ORDERED.

DATED: 10-17, 2003


~~CHIEF~~ JUDGE WALTER H. RICE
UNITED STATES DISTRICT COURT